IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

RSA No.465 of 2006

Decided on: November 1, 2006

Divesh Kumar **.....Appellant.**

VERSUS

Smt. Reeta **.....Respondent.**

Coram

The Hon'ble Mr. Justice Surjit Singh, Judge.

Whether approved for reporting?

For the Appellant : Mr. B.R. Kashyap, Advocate.

For the respondent : Nemo.

Surjit Singh, Judge (Oral)

Heard and gone through the record.

2. Respondent filed a suit, seeking grant of monthly maintenance allowable, under Section 18 of the Hindu Adoption and Maintenance Act, 1956. The Civil Judge granted maintenance allowance at the rate of Rs.1500/- per month, without indicating as to from which date the amount was payable, which, therefore, meant that the maintenance was to be payable only from the date of the decree. Respondent felt dissatisfied with the quantum of maintenance as also the non-grant of maintenance from the date of the filing of the petition and accordingly filed appeal in the Court of District Judge. The District Judge, vide judgment and decree dated 27.7.2006, has enhanced the maintenance allowance to Rs.3,000/- a month and has ordered that the maintenance shall be paid from the date of the petition at the rate of Rs.1500/- per month and at the

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Whether the reporters of the local papers may be allowed to see the judgment?

enhanced rate of Rs.3,000/- per month, from the date of his (District Judge) judgment and decree.

3. Admittedly, the appellant is employed as an Accountant in the Office of Accountant General. As per judgment of the trial Court, his gross salary, at the time when a witness from the Office of his employer was examined, was Rs.12,816/-. His carry home salary was Rs.6,200/- at that time. It can legitimately be assumed that since the making of the statement by an employee from the Office of the employer of the appellant, the salary of the appellant has substantially increased, because a government employee in addition to getting annual increment gets increase in salary on account of dearness allowance twice a year. The respondent is unemployed. Looking to the facts and circumstances of the case, the quantum of maintenance granted by the District Judge cannot be stated to be on the higher side. In any case, no substantial question of law arises. Hence, the appeal is dismissed.

CMP No.851/2006

Infructuous.

November 1, 2006(sd) **(Surjit Singh), J.**